

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CURTIS SCOTT,

Plaintiff,

Case No. 21-cv-11145  
Hon. Matthew F. Leitman

v.

LEROY SOLES, *et al.*,

Defendants.

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**ORDER (1) VACATING ORDER TO SHOW CAUSE (ECF No. 4); (2)  
DISMISSING COMPLAINT (ECF No. 1) WITHOUT PREJUDICE; AND (3)  
TERMINATING PLAINTIFF'S REQUEST FOR THE APPOINTMENT OF  
COUNSEL (ECF No. 6) AS MOOT**

In March 2016, a jury in this Court convicted Plaintiff Curtis Scott of one count of carjacking in violation of 18 U.S.C. §§ 2119(1) and (2), one count of using or carrying a firearm during and in relation to a crime of violence in violation of 18 U.S.C. §§ 924(c) and (2), and one count of making a false statement or representation to a department or agency of the United States in violation of 18 U.S.C. § 1001. (*See* Verdict Form, ECF No. 91 in E.D. Mich. Case No. 14-cr-20780.) Scott is now a federal inmate in the custody of the Federal Bureau of Prisons. He is incarcerated at the Federal Correctional Complex in Petersburg, Virginia.

On May 10, 2021, Scott filed this civil action against the criminal defense attorneys who represented him at trial, Leroy Soles and the Federal Defenders Office (the “FDO”). (*See* Compl., ECF No. 1.) In his Complaint, Scott brings a legal malpractice claim against the Defendants. (*See id.*)

Upon review of the Complaint, it appeared to the Court that Scott had failed to plead the existence of this Court’s subject-matter jurisdiction. Accordingly, on June 9, 2021, the Court issued an order requiring Scott to either “(1) show cause in writing why this action should not be dismissed for lack of subject-matter jurisdiction, or (2) file an Amended Complaint containing sufficient factual allegations to establish this Court’s subject-matter jurisdiction” (the “Show Cause Order”). (Show Cause Order, ECF No. 4, PageID.14.) The Court then told Scott that “[i]f [he did] not file a response to [the Show Cause Order] ... by **July 19, 2021**, the Court [would] dismiss his Complaint without prejudice for lack of subject-matter jurisdiction.” (*Id.*; emphasis in original).

Scott has not filed a response to the Show Cause Order. Nor has he contacted the Court to request additional time to respond to the Show Cause Order. Finally, for all of the reasons stated in the Show Cause Order, Scott has not provided the Court any basis upon which it can conclude that it has subject-matter jurisdiction over this action.

Therefore, due to Scott's failure to respond to the Show Cause Order, and his failure to establish this Court's subject-matter jurisdiction over his claims, **IT IS HEREBY ORDERED** that (1) the Court's Show Cause Order (ECF No. 4) is **VACATED** and (2) Scott's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.<sup>1</sup>

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 25, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 25, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764

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<sup>1</sup> On June 11, 2021, Scott filed a request for the appointment of counsel. (*See* Req., ECF No. 6.) Scott said that he needed counsel to assist him with the "financial aspect of [his] suit." (*Id.*) Because Scott has failed to establish the Court's subject-matter jurisdiction for the reasons explained above, the Court **TERMINATES** Scott's request for counsel as moot.